

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 210 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

STATE OF GUJARAT

Versus

HARIHAR MANISHANKER DIXIT

Appearance:

GOVERNMENT PLEADER for Petitioner

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 01/04/98

ORAL JUDGEMENT

This petition although purporting to be filed under Articles 226 and 227 of the Constitution is essentially under Article 227 of the Constitution for challenging the decision of the Revenue Tribunal in Revision Application no.TEN:B/.S.70/88. That decision was rendered on 14-2-1992 while the present petition is filed in January, 1998 i.e. after almost six years. No plausible explanation is coming forth to explain this delay except a bald and vague statement that due to some administrative reasons delay is caused in filing the petition and that there is no negligence on the part of the petitioner in filing the petition. This explanation cannot at all be considered to be satisfactory. The petition, therefore, deserves to be dismissed on the ground of delay.

2. Even otherwise, the Mamlatdar and A.L.T., Deputy

Collector and Tribunal have held that the respondent was not holding land in excess of the ceiling limit prescribed under the Gujarat Agricultural Land Ceiling Act, 1960(hereinafter referred to as the "Act"). On the question of interpretation of Section 6(3)(c) of the Act, the Government had issued circular dated 20-12-1976. Deputy Collector and Tribunal has relied on the said circular and held that Kaushikkumar son of the respondent who was minor on 24-1-1971 but attained majority before 1-4-1976 was entitled to have agricultural land within one ceiling Unit and therefore as against 28.31 acres of land in the name of Kaushikkumar, the excess land to the tune of 6 acres in the name of the respondent has been added in the land account of Kaushikkumar making it 34 acres 31 guntas and 39 acres of land in the name of the respondent, with the result that both the respondents and Kaushikkumar are treated to have land not in excess of the ceiling limit of 39 acres per Unit.

3. In above view of the matter, even if another view is possible, this Court would not entertain this petition under Article 227 of the Constitution filed after a delay of six years. The petition, therefore, deserves to be dismissed and is accordingly dismissed.

(M.S.Shah,J.)

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